REMARKS

Claims 4-8 and 17-29 are pending in the Application. Claims 4-8 and 17-29 are rejected under 35 U.S.C. §102(a). Applicants respectfully traverse these rejections for at least the reasons stated below, and respectfully request that the Examiner reconsider and withdraw these rejections.

Applicants thank the Examiner for discussing the rejections to claims 4, 17, 22 and 25 with Applicants' Attorney on March 15, 2007.

I.   REJECTIONS UNDER 35 U.S.C. §102(a):

The Examiner has rejected claims 4-8 and 17-29 under 35 U.S.C. §102(a) as being anticipated by Running Linux, 3rd Edition (hereinafter "Linux"). Applicants respectfully traverse these rejections for at least the reasons stated below, and respectfully request the Examiner to reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

Applicants respectfully assert that Linux does not disclose "determining if configuration of a device has begun" as recited in claim 4 and similarly in claims 17, 22 and 25. As understood by Applicants, the Examiner cites Section 5.3.1 and the init program of Linux as disclosing the above-cited claim limitation. Office Action (12/27/2006), page 2. Applicants respectfully traverse.

Linux instead discloses that as the kernel loads into memory, it will print messages to the system console, but usually also saves them in the system log files as well. System 5.3.1. Linux further discloses that the kernel executes the program *init*, which is a general-purpose program that spawns new processes and restarts certain programs when they exit. Section 5.3.2. Linux additionally discloses that each virtual console has a *getty* process running on it, started by *init*. Section 5.3.2. Linux further discloses that a runlevel is a number or letter that specifies the current system state, as far as *init* is concerned. Section 5.3.2 Furthermore, Linux discloses that runlevel 1 executes only the bare minimum of configuration scripts, runlevel 2 executes everything in runlevel 1 plus networking configuration and runlevel 3

executes everything in levels 1 and 2 plus dial-in logic access, and so forth. Section 5.3.2.

There is no language in the cited passages that discloses determining if the configuration of a device has begun. Thus, Linux does not disclose all of the limitations of claims 4, 17, 22 and 25, and thus Linux does not anticipate claims 4, 17, 22 and 25. M.P.E.P. §2131.

Applicants further asserts that Linux does not disclose "if configuration of a device has begun, inserting the configuration of the device in a list and displaying a code associated with the device; determining if configuration of a device has completed; if configuration of a device has completed, removing the configuration of the device from the list; and if the configuration of the device removed in step (d) had its associated code displayed, displaying code associated with a configuration of a device immediately previous" as recited in claim 4 and similarly in claims 17, 22 and 25. The Examiner has not addressed these claim limitations. To establish a *prima facie* case of anticipation, the Office Action must provide a single prior art reference that expressly or inherently describes each and every element as set forth in the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.3d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Since the Examiner has not addressed these claim limitations, the Examiner has not established a *prima facie* case of anticipation in rejecting claims 4, 17, 22 and 25. M.P.E.P. §2131.

Further, as understood by Applicants, the Examiner has not specifically addressed these claim limitations because the Examiner apparently has determined that if the configuration of a device has not begun, then none of the following claim limitations apply. Office Action (12/27/2006), page 3. The rejection is simply ignoring claim language. There is no limitation in claims 4, 17, 22 and 25 that indicates to ignore the remaining claim limitations if the configuration of a device has not begun. The pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000); M.P.E.P. §2111. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468

(Fed. Cir. 1999); M.P.E.P. §2111. Since the Examiner has not provided a reasonable interpretation consistent with the specification or consistent with the interpretation that those skilled in the art would reach, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 4, 17, 22 and 25. M.P.E.P. §2111.

Claims 5-8 each recite combinations of features of independent claim 4, and hence claims 5-8 are not anticipated by Linux for at least the above-stated reasons that claim 4 is not anticipated by Linux.

Claims 18-21 each recite combinations of features of independent claim 17, and hence claims 18-21 are not anticipated by Linux for at least the above-stated reasons that claim 17 is not anticipated by Linux.

Claims 23-24 each recite combinations of features of independent claim 22, and hence claims 23-24 are not anticipated by Linux for at least the above-stated reasons that claim 22 is not anticipated by Linux.

Claims 26-29 each recite combinations of features of independent claim 25, and hence claims 26-29 are not anticipated by Linux for at least the above-stated reasons that claim 25 is not anticipated by Linux.

Claims 5-8, 18-21, 23-24 and 26-29 recite additional features, which, in combination with the features of the claims upon which they depend, are not anticipated by Linux.

For example, Linux does not disclose "returning to step (a) from step (b) if it is determined that configuration of a device has begun" as recited in claim 5 and similarly in claims 18 and 26. Applicants further assert that Linux does not disclose "returning to step (a) if in step (e) the configuration of the device removed in step (d) had not had its associated code displayed" as recited in claim 7 and similarly in claims 20 and 28. Applicants further assert that Linux does not disclose "returning to step (c) from step (e)" as recited in claim 8 and similarly in claims 21 and 29. Applicants further assert that Linux does not disclose "logic for displaying code associated with a device located at the top of said list" as recited in claim 23. Applicants additionally assert that Linux does not disclose "logic for displaying code

associated with a latest-started device to be configured that has not been completed configuration" as recited in claim 24.

The Examiner has not addressed these claim limitations. In order to establish a *prima facie* case of anticipation, the Examiner must provide a single prior art reference that expressly or inherently describes each and every element as set forth in the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Since the Examiner has not addressed these claim limitations, the Examiner has not established a *prima facie* case of anticipation in rejecting claims 5, 7-8, 18, 20-21, 23-24, 26 and 28-29. M.P.E.P. §2131.

Further, as understood by Applicants, the Examiner has not specifically addressed these claim limitations because the Examiner has apparently determined that if the configuration of a device has not begun, then none of the following claim limitations apply. Office Action (12/27/2006), page 3. There is no limitation in claims 5, 7-8, 18, 20-21, 23-24, 26 and 28-29 that indicates to ignore the remaining claim limitations if the configuration of a device has not begun. The pending claims must be given their broadest reasonable interpretation <u>consistent with the specification</u>. *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000); M.P.E.P. §2111. The broadest reasonable interpretation of the claims must also be <u>consistent with the interpretation that those skilled in the art would reach</u>. *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. §2111. Since the Examiner has not provided a reasonable interpretation consistent with the specification or consistent with the interpretation that those skilled in the art would reach, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 5, 7-8, 18, 20-21, 23-24, 26 and 28-29. M.P.E.P. §2111.

Applicants further assert that Linux does not disclose "returning to step (a) if in step (c) it is determined that configuration of a device has not completed" as recited in claim 6 and similarly in claims 19 and 27. As understood by Applicants, the Examiner cites Section 5.3.1 and the init program of Linux as disclosing the above-cited claim limitation. Office Action (12/27/2006), page 3. Applicants respectfully traverse.

Linux instead discloses that as the kernel loads into memory, it will print messages to the system console, but usually also saves them in the system log files as well. System 5.3.1. Linux further discloses that the kernel executes the program *init*, which is a general-purpose program that spawns new processes and restarts certain programs when they exit. Section 5.3.2. Linux additionally discloses that each virtual console has a *getty* process running on it, started by *init*. Section 5.3.2. Linux further discloses that a runlevel is a number or letter that specifies the current system state, as far as *init* is concerned. Section 5.3.2 Furthermore, Linux discloses that runlevel 1 executes only the bare minimum of configuration scripts, runlevel 2 executes everything in runlevel 1 plus networking configuration and runlevel 3 executes everything in levels 1 and 2 plus dial-in logic access, and so forth. Section 5.3.2.

There is no language in the cited passages that discloses returning to the step of determining if configuration of a device has begun if in the step of (c) it is determined that configuration of a device has not completed. Thus, Linux does not disclose all of the limitations of claims 6, 19 and 27, and thus Linux does not anticipate claims 6, 19 and 27. M.P.E.P. §2131.

As a result of the foregoing, Applicants respectfully assert that not each and every claim limitation was found within Linux, and thus claims 4-8 and 17-29 are not anticipated by Linux. M.P.E.P. §2131.

II.   CONCLUSION:

As a result of the foregoing, it is asserted by Applicants that claims 4-8 and 17-29 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims.   Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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